

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 06-12960

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BIA No. A95-221-846

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 2, 2007 THOMAS K. KAHN CLERK
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NESTOR ALBERTO PERDOMO,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of a Decision  
from the Board of Immigration Appeals

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**(October 2, 2007)**

Before ANDERSON and PRYOR, Circuit Judges, and VINING,\* District Judge.

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\*Honorable Robert L. Vining, Jr., United States District Judge for the Northern District of Georgia, sitting by designation.

PER CURIAM:

After oral argument and careful consideration, we cannot conclude that Perdomo's petition should be granted. The Board of Immigration Appeals held, at least in an alternative holding, that petitioner's claims for relief failed because petitioner had failed to establish that he was a victim of past persecution on a protected ground. We need not address whether or not the single assault suffered by petitioner at the hands of FARC might have been sufficiently severe to rise to the level of persecution, had petitioner proved the protected ground aspect. We do conclude, however, that the record does not compel a result contrary to the finding of the BIA that petitioner failed to establish the protected ground element. The record does not compel a finding that FARC's assault on petitioner, when he rose to defend his wife, was based upon either petitioner's own political opinion, or an imputed political opinion attributed to petitioner by FARC.

With respect to petitioner's claim of a well founded fear of future persecution, we readily conclude that the record does not compel a conclusion contrary to that of the BIA, especially in light of petitioner's divorced status from his wife, who was the focus of FARC's attention.

**PETITION DENIED.**